REMARKS

Applicant is filing this Amendment with a Request for Continued Examination (RCE). This responds to the Advisory Action mailed on March 25, 2005. Claims 1, 13-14 and 26-27 have been amended. Claims 28-29 have been added. Claims 1-29 are now pending in this application.

Applicant does not admit that the cited references are prior art and reserves the right to "swear behind" each of the cited references as provided under 37 C.F.R. 1.131.

§102 Rejection of the Claims

The Office Action indicated that claims 1-26 were rejected under 35 USC § 102(e) as being anticipated by French et al. (U.S. 6,263,447). Based on the details of the rejection, Applicant assumes that the Examiner intended to also include claim 27 as rejected under 35 USC § 102(e) as being anticipated by French et al. (U.S. 6,263,447).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

As amended, claim 1 recites "registering the user with the network-based auction facility if the verification rating exceeds a predetermined threshold, to allow the user to conduct sale and purchase transactions with other users in the network-based auction facility. French relates to user authentication for obtaining a digital certificate. French does not relate to registering a user with a network-based auction facility to allow the user to conduct sale and purchase transactions therein.

Because French does not disclose each element of claim 1, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §102 has been overcome. Claims 13, 14 and 26 contain similar limitations. Accordingly, Applicant respectfully submits that the rejections of claims 13, 14 and 26 under 35 U.S.C. §102 have been overcome. Because the claims that depend from claims 1 and 14 depend from and further define such claims, Applicant respectfully submits that the rejection of the dependent claims under 35 U.S.C. §102 has been overcome.

With regard to claims 13-27, the Office Action stated that "[a]s per Applicants (sic) statements in the response (Page 9, Response, received 6/24/2004), claims 13-27 do not teach above and beyond this base set of claims." Office Action at ¶10. Applicant respectfully traverses this assertion. See, for example, claim 27. The Office Action did not indicate where French discloses the limitations of claim 27. Accordingly, Applicant respectfully requests more details regarding the rejection of claim 27.

New Claims

Claims 28-29 have been added. Applicant respectfully submits that no new matter has been added and that such claims are supported, at least, at page 11, line 21 – page 12, line 7. Applicant respectfully submits that French does not disclose having the predetermined threshold proportionate to at least one of the size and type of operation of the facility, or is varied based on the type of user. Accordingly, Applicant respectfully submits that claims 28-29 are in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 371-2103 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALEX POON

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2103

Date 4-20-05

By _____
Gregg A Peacock
Reg. No. 45,001

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20 day of April, 2005.

Peter Rebuffoni
Name

Signature